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7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2010-205

11 **PAUL ROBERT LEIPFERT**  
12 **98 S. Patterson Ave., #205**  
13 **Santa Barbara, CA 93111**  
**Registered Nurse License No. 627687**

**A C C U S A T I O N**

14 Respondent.

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16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),  
20 Department of Consumer Affairs.

21 **Registered Nurse License Information**

22 2. On or about October 8, 2003, the Board issued Registered Nurse License Number  
23 627687 to Paul Robert Leipfert ("Respondent"). The registered nurse license was in full force  
24 and effect at all times relevant to the charges brought herein and will expire on December 31,  
25 2010, unless renewed.

26 **STATUTORY PROVISIONS**

27 3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent  
28 part, that the Board may discipline any licensee, including a licensee holding a temporary or an

1 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the  
2 Nursing Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not  
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
5 to render a decision imposing discipline on the license. Under Code section 2811, subdivision  
6 (b), the Board may renew an expired license at any time within eight years after the expiration.

7 5. Code section 2761 states, in pertinent part:

8 The board may take disciplinary action against a certified or licensed  
9 nurse or deny an application for a certificate or license for any of the following:

10 (a) Unprofessional conduct, which includes, but is not  
11 limited to, the following:

12 ...

13 (f) Conviction of a felony or of any offense substantially related to the  
14 qualifications, functions, and duties of a registered nurse, in which event the record of  
15 the conviction shall be conclusive evidence thereof.

16 6. Code section 2762 states, in pertinent part:

17 In addition to other acts constituting unprofessional conduct within the  
18 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a  
19 person licensed under this chapter to do any of the following:

20 ...

21 (b) Use any controlled substance as defined in Division 10 (commencing  
22 with Section 11000) of the Health and Safety Code, or any dangerous drug or  
23 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or  
24 in a manner dangerous or injurious to himself or herself, any other person, or the  
25 public or to the extent that such use impairs his or her ability to conduct with safety to  
26 the public the practice authorized by his or her license.

27 (c) Be convicted of a criminal offense involving the prescription,  
28 consumption, or self-administration of any of the substances described in  
subdivisions (a) and (b) of this section, or the possession of, or falsification of a  
record pertaining to, the substances described in subdivision (a) of this section, in  
which event the record of the conviction is conclusive evidence thereof.

### COST RECOVERY

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
administrative law judge to direct a licensee found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
2 enforcement of the case.

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4 **FIRST CAUSE FOR DISCIPLINE**

5 **(Criminal Conviction)**

6 8. Respondent is subject to discipline pursuant to Code section 2761, subdivision (f), in  
7 that on January 26, 2009, in the Superior Court, County of Santa Barbara, California, in the  
8 matter entitled *People v. Paul Robert Leipfert*, Case No. 1293352, Respondent was convicted by  
9 the court following his plea of guilty to a violation of Vehicle Code section 23152, subdivision (a)  
10 (driving while under the influence of alcohol), a misdemeanor. The circumstances of the crime  
11 are that on November 23, 2008, following a traffic stop, Respondent was arrested and charged  
12 with driving while under the influence of alcohol. Using a pre-alcohol screening device, the  
13 officer obtained one manual trap sample resulting in a .196% blood alcohol concentration. Also,  
14 during the arrest process, Respondent made the following threat to the arresting officers: "If I am  
15 ever charge nurse when you show up to the ER, for a blood test or whatever, you fuckers are  
16 going to be there all day!" Shortly thereafter, Respondent looked at another officer's name tag  
17 and stated: "Officer Vallejo, I hope you don't come into the ER with your wife and kid." Such  
18 conduct is substantially related to the qualifications, functions and duties of a licensed registered  
19 nurse.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Conviction Involving Alcohol)**

22 9. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on  
23 the grounds of unprofessional conduct as defined in Code section 2762, subdivision (c), in that  
24 Respondent has been convicted of a crime involving the consumption of alcohol, as more  
25 particularly set forth in paragraph 8, above.  
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